

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESBIN & ALTER, LLP,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. Action No.
	:	08-CV-0313 (SCR)(MDF)
PAUL ZAPPIER and ADVANCED TRADE	:	
SETTLEMENT, LLC,	:	
	:	
Defendants,	:	
	:	
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MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that upon the Complaint purporting to allege claims for copyright infringement, breach of contract, breach of fiduciary duty, trade secret misappropriation, and unfair competition, the Affidavit of Patrick J. Boyd, sworn to February 21, 2008 (and attachments thereto), and the accompanying Memorandum of Law, Defendant Paul Zappier will move this Court before the Honorable Stephen C. Robinson, United States District Judge, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, at a time and date to be noticed by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Claim 3 of the Complaint for failure to state a claim, and for such other and further relief as the Court may deem proper.

Dated: February 21, 2008
New York, New York

THE BOYD LAW GROUP, PLLC

By: _____
Patrick J. Boyd
Attorneys for Defendants
230 Park Avenue, Suite 1000
New York, New York 10169
Tel: (212) 808-3054

cc: Daniel Alter, Esq.
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